

Amendments to the Drawings

The attached sheet of drawings includes changes to Figure 6. This sheet, which includes Figure 6, replaces the original sheet including Figure 6 which was mislabeled Figure 6A. In amended Figure 6, the clerical mislabeling error “Figure 6A” has been amended to include the proper label “Figure 6”.

Attachment: Replacement Sheet

REMARKS

Claims 1-23 remain pending in the present application. Claims 1-23 are rejected. Claims 2-4, 6, 10-13, 14, 20 and 22 are amended herein for clerical reasons. No new matter has been added.

Specification

The Office Action objected to the disclosure “because a description of Figure 6a in the “Brief Description Of The Drawings” section is missing.”

Applicants have amended Figure 6 herein. E.g., the clerical mislabeling error “Figure 6A” has been amended to the proper label “Figure 6”. Therefore, the objection with respect to the disclosure is moot.

Drawings

The Office Action objected to Figure 6 due to the clerical error which mislabeled Figure 6 as Figure 6A. In amended Figure 6, the clerical mislabeling error “Figure 6A” has been amended to include the proper label “Figure 6”. Therefore, the objection with respect to Figure 6 is moot.

Claim Objections

The present office action has objected to Claims 2-4, 6, 10-13, 14, 20 and 22 because of the following clerical informalities: “media content notification” which should properly state, “media change notification”.

Applicants have amended the clerical error of Claims 2-4, 6, 10-13, 14, 20 and 22 herein. Therefore, Applicants respectfully submit that the Objection to Claims 2-4, 6, 10-13, 14, 20 and 22 is moot.

Claim Rejections - 35 U.S.C. § 101

Claims 9-23 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 9-16

On page 4 the Office Action states, "Regarding Claim 9, a "computer readable medium for storing computer implementable instructions" storing computer program code that performs various functions is recited. The claim fails to identify the computer readable medium as a "*nontransitory*" computer readable "*storage*" medium. As a result, the computer readable medium as defined by the applicant in the claims can be interpreted as including various types of transmission media including signals or carrier waves which are non-statutory."

Applicants disagree with the non-statutory statement. Further, Applicants submit Claim 9 recites, "A computer readable medium for storing computer implementable instructions, said instructions for causing a client system to perform a method for providing a media change notification on a computing system comprising:"

MPEP 2106.01 states

"When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (discussing patentable weight of data structure limitations in the context of a statutory claim to a data structure stored on a computer readable medium that increases computer efficiency) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held nonstatutory)." (emphasis added)

Applicants respectfully submit that computer readable medium for storing computer implementable instructions is indeed statutory as defined in the MPEP 2106.01. As such, Applicants respectfully submit that the rejection of Claims 9-16 under 35 U.S.C. §101 is incorrect and should be withdrawn.

Claims 17-23

On page 4 the Office Action states, "Regarding Claim 17, a system for providing a media change notification on a computing system is described comprising "a means for

polling", "a means for detecting", "a means for generating", and "a means for outputting", all implemented in software configured to cause the actions described in Claim 17. In addition, the Specification expressly states that "Within the present embodiment, it should be appreciated that the steps of flowchart 700 may be performed by software, by hardware or by any combination of software and hardware." (See Specification - Page 59 Lines 15-17) and "Within the present embodiment, it should be appreciated that the steps of flowchart 1600 may be performed by software, by firmware, by hardware or by any combination thereof" (See Specification - Page 118 Lines 19-21). Accordingly, the recited "*system*" is nothing more than software *per se* and is not a "process," a "machine," a "manufacture" or a "composition of matter," as defined in 35 U.S.C.101." (Emphasis Added)

Applicants respectfully disagree with the Office Actions rejection of Claim 17. Specifically Applicants point out that although Claims are interpreted in light of the Specification, limitations from the Specification cannot be read into the Claims. As such, Applicants respectfully submit the Office Action's statement, "Accordingly, the recited "*system*" is nothing more than software *per se*" is speculative, is not based on the preponderance of evidence.

Specifically, it appears as though the Office Action has cherry picked features of the Specification and then improperly applied the limitation to the Claims. For example, the Office Action could have as easily utilized the portion of cited Specification to make a completely different speculation:

Within the present embodiment, it should be appreciated that the steps of flowchart 1600 may be performed by software, by firmware, by hardware or by any combination thereof" (See Specification - Page 118 Lines 19-21). Accordingly, the recited "*system*" is nothing more than hardware *per se* and is therefore a "process," a "machine," a "manufacture" or a "composition of matter," as defined in 35 U.S.C.101. (Emphasis Added)

For this reason, Applicants respectfully submit that the rejection of Claims 17-23 under 35 U.S.C. §101 is incorrect and should be withdrawn.

Claim Rejections - 35 U.S.C. §102(e)

Claims 1-23

The present office action states that Claims 1-23 are rejected under 35 U.S.C. § 102(e) as being anticipated by Huffman et al. (US PUB 2005/0086397), hereinafter “Huffman”.

Applicants have reviewed Huffman and respectfully submit that the embodiments of the present invention as recited in Claims 1-23 are not anticipated by Huffman for the following reasons.

Applicants respectfully submit Claim 1 (and similarly Claims 9 and 17) includes the features, “A method for providing a media change notification on a computing system comprising:

polling a media device of a computing system for a media change wherein said polling of said media device **cannot be blocked** by said computing system;
detecting a media change on said media device;
generating a media change notification when said media change is detected; and
outputting said media change notification when said media change on said media device is detected wherein said media change notification cannot be blocked by said computing system.” (emphasis added).

MPEP §2131 provides:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). ... “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

1. Applicants have reviewed Huffman and do not understand Huffman to anticipate the feature, “**cannot be blocked** by said computing system.” (Emphasis added).

At page 6, the present Office Action states “[see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the polling of the media device for a media change utilizes Direct Memory Access on the host bus with interrupt notification that cannot be blocked]” (Emphasis added).

However, Applicants have reviewed Huffman et al. including the cited portions and have found no support within the teachings of Huffman et al. with respect to the claimed feature “cannot be blocked by said computing system.” (Emphasis Added)

Specifically, Applicants have found no teaching or understanding of Huffman et al. with respect to any features that “cannot be blocked by said computing system.”

For this reason, Applicants respectfully submit that Huffman et al. does not anticipate the feature “cannot be blocked by said computing system” as recited in independent Claims 1, 9 and 17 and as such, that Claims 1, 9 and 17 are in condition for allowance.

2. Applicants have reviewed Huffman and do not understand Huffman to anticipate the feature, “polling a media device of a computing system for a media change wherein said polling of said media device cannot be blocked by said computing system.” (Emphasis added).

At page 6, the present Office Action states “[see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the polling of the media device for a media change utilizes Direct Memory Access on the host bus with interrupt notification that cannot be blocked]” (Emphasis added).

Applicants have reviewed Huffman et al. including the cited portions and have found no support within the teachings of Huffman et al. with respect to the Office

Actions statement that Huffman et al. “utilizes Direct Memory Access on the host bus with interrupt notification that cannot be blocked” (Emphasis Added)

In contrast, Applicants understand Huffman et al. to teach (at paragraph 15)

“To determine whether or not the removable media 120 is currently present in (or at) the storage device 110, the host system 130 could synchronously poll the storage device 110. Such an approach, however, might prevent the storage device 110 and/or host system 130 (e.g., a processor or chipset associated with the host system 130) from entering a lower-power state. For example, the storage device 110 might need to remain in a “standby” state as opposed to a lower-power “sleep” state in order to respond to the polling. Similarly, the polling might require Direct Memory Access (DMA) bus activity at the host system 130—preventing a processor at the host system 130 from entering a lower-power C3 or C4 power state as described in the Advanced Configuration and Power Interface (ACPI) Specification Revision 2.0b (October, 2002). As a result, the system 100 might consume a significant amount of power in order to determine whether or not the removable media 120 is present (e.g., reducing the battery life of a mobile computer system).” (Emphasis Added)

Thus, Applicants do not understand Huffman et al. to anticipate the claimed feature, “polling a media device of a computing system for a media change wherein said polling of said media device cannot be blocked by said computing system.” In contrast, Applicants understand Huffman et al. to teach problems associated with synchronous polling that Applicants understand to be overcome by Huffman et al. with the utilization of asynchronous polling.

Therefore, Applicants respectfully submit that the Office Action has not provided a prima facie case of anticipation for the feature, “polling a media device of a computing system for a media change wherein said polling of said media device cannot be blocked by said computing system.” (Emphasis added).

For this further reason, Applicants respectfully submit that Huffman et al. does not anticipate the features as recited in independent Claims 1, 9 and 17 and as such, that Claims 1, 9 and 17 are in condition for allowance.

3. Applicants have reviewed Huffman and do not understand Huffman to anticipate the feature, “outputting said media change notification when said media change on said media device is detected wherein said media change notification cannot be blocked by said computing system.” (Emphasis added).

At page 6, the present Office Action states “[see (Huffman et al. Paragraph 15 Lines 10-15; Paragraph 17 Lines 1-4; Paragraph 18 Lines 1-2; Paragraph 28 Lines 6-7) where Huffman et al. teaches that the polling of the media device for a media change utilizes Direct Memory Access on the host bus with interrupt notification that cannot be blocked]” (Emphasis added).

Applicants have reviewed Huffman et al. including the cited portions and have found no support within the teachings of Huffman et al. with respect to the Office Actions statement that Huffman et al. “utilizes Direct Memory Access on the host bus with interrupt notification that cannot be blocked” (Emphasis Added)

In contrast, Applicants understand Huffman et al. to teach (at paragraph 15)

“To determine whether or not the removable media 120 is currently present in (or at) the storage device 110, the host system 130 could synchronously poll the storage device 110. Such an approach, however, might prevent the storage device 110 and/or host system 130 (e.g., a processor or chipset associated with the host system 130) from entering a lower-power state. For example, the storage device 110 might need to remain in a “standby” state as opposed to a lower-power “sleep” state in order to respond to the polling. Similarly, the polling might require Direct Memory Access (DMA) bus activity at the host system 130--preventing a processor at the host system 130 from entering a lower-power C3 or C4 power state as described in the Advanced Configuration and Power Interface (ACPI) Specification Revision 2.0b (October, 2002). As a result, the system 100 might consume a significant amount of power in order to determine whether or not the removable media 120 is present (e.g., reducing the battery life of a mobile computer system).” (Emphasis Added)

Thus, Applicants **do not understand** Huffman et al. to anticipate the claimed feature, “outputting said media change notification when said media change on said media device is detected wherein said media change notification cannot be blocked by said computing system.” In contrast, Applicants understand Huffman et al. to teach

problems associated with synchronous polling that Applicants understand to be overcome by Huffman et al. with the utilization of asynchronous polling.

Therefore, Applicants respectfully submit that the Office Action has not provided a prima facie case of anticipation for the feature, “outputting said media change notification when said media change on said media device is detected wherein said media change notification cannot be blocked by said computing system.” (Emphasis added).

For this additional reason, Applicants respectfully submit that Huffman et al. does not anticipate the features as recited in independent Claims 1, 9 and 17 and as such, that Claims 1, 9 and 17 are in condition for allowance.

For this further reasoning, Applicants respectfully submit that Huffman et al. fails to anticipate each and every element as recited in independent Claims 1, 9 and 17. As such, Applicants respectfully submit that Independent Claims 1, 9 and 17 overcome the rejections under 35 U.S.C. § 102(e), and are thus in condition for allowance.

With respect to Claims 2-8, 10-16 and 18-23, Applicants respectfully point out that Claims 2-8, 10-16 and 18-23 depend from allowable independent Claims 1, 9 and 17 and recite further embodiments of the present claimed invention. Therefore, Applicants respectfully submit that Claims 2-8, 10-16 and 18-23 overcome the rejections under 35 U.S.C. § 102(e), and that these claims are thus in a condition for allowance as being dependent on allowable base claims.

CONCLUSION

Based on the arguments presented above, Applicants respectfully assert that Claims 1-23 overcome the rejections of record, and therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
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